

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT E. GREEN,

Plaintiff,

v.

Case No. 12-cv-4-JPG-PMF

WARDEN JAMES CROSS, UNKNOWN
SHU LIEUTENANT, DHO B. AUTERSON
and BOP,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 39) of Magistrate Judge Philip M. Frazier recommending that the Court grant defendant Warden Cross’s motion to dismiss or, in the alternative, for summary judgment (Doc. 36) and dismiss this case as a sanction for plaintiff Robert E. Green’s misleading statements to the Court regarding his litigation history and for his failure to exhaust available administrative remedies prior to filing suit. Magistrate Judge Frazier also recommends the Court revoke Green’s *in forma pauperis* status and order him to pay the filing fee in full within 14 days.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 39);
- **GRANTS** Cross's motion to dismiss or, in the alternative, for summary judgment (Doc. 36);
- **DISMISSES** this case **with prejudice** as a sanction for Green's misleading statements to the Court regarding his litigation history and for his failure to exhaust available administrative remedies prior to filing suit;
- **REVOKES** Green's *in forma pauperis* status;
- **ORDERS** Green to pay the \$350 filing fee in full on or before April 1, 2013; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: March 18, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
United States District Judge